REMARKS

Present Status of the Application

The Office Action objects to claims 1, 5, 12, and 27. The Office Action rejects claims 1-29 under 35 U.S.C. 102(e) as being anticipated by Wells et al. (U. S. Publication 2003/0228912; hereinafter Wells). Applicant has amended claims to correct typographic errors. After entry of the amendments, claims 1-29 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Claim Rejections under 35 USC 102

The Office Action rejects claims 1-29 under 35 U.S.C. 102(e) as being anticipated by Wells. Applicant respectfully traverses the rejections for at least the reasons set forth below.

1. First, it should be noted that Wells should not be the prior art with respect to the present invention under 35 U.S.C. 102(e). Wells files the application on ***Jan. 28, 2003***, which is later than the filing date of the present invention. Even though Wells is a continuation of the previous Application No. 09/172,786, filed on Oct. 14, 1998, ***since the previous Application is not an issued patent or a publication***, Wells should not be the prior art with respect to the present invention under 35 U.S.C. 102(e).

2. Under the assumed condition that the Office Action can provide the evidence about publication of Application No. 09/172,786, the present invention is still distinguishable over Wells.

It should be noted that the present invention is directed to the "***personalized product***",

which is not a general public product, as for example described in the specification. The personalized program code is to updating the product in personal preference, but not for general updating. Therefore, the personalized program is applied to the personalized product but on the general products.

In re Wells, the program is generally applied to the game devices 486 (Fig.4).

For at least the foregoing reasons, Applicant respectfully submits that independent claims 1-29 patently define over the prior art references, and should be allowed.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-29 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

Date: 7/28/2004

Jiawei Huang
Registration No. 43,330

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949) 660-0809